UNITED
NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/BEL/2
8 April 1993

ENGLISH
ORIGINAL: FRENCH

Committee on the Elimination of Discrimination
against Women (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Second periodic reports of States parties

BELGIUM*

* For the initial report submitted by the Government of Belgium, see CEDAW/C/5/Add.53; for its consideration by the Committee, see CEDAW/C/SR.143 and CEDAW/C/SR.146, and Official Records of the General Assembly, forty-fourth session, Supplement No. 38 (A/44/38), paras. 266-312.

V.93 84180 6030E

ARTICLE 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Belgium is a country with long democratic traditions culminating in its establishment as a de jure State by the Constitution of 7 February 1831, which provides for the separation and independence of the legislative, executive and judicial powers.

In its basic articles, the Constitution states that there is no distinction between classes in the State, that all Belgians are equal in the eyes of the law (Const. art. 6) and that all powers stem from the nation (Const. art. 25). Citizens' individual liberty is guaranteed and the law forbids any discrimination between them (Const. art. 6 (a) and 7).

The individual freedoms which are guaranteed include: access to independent justice (Const. art. 8 and 9); the inviolability of the home and recognition of the right to private property (Const. art. 10 and 12); freedom of opinion and worship (Const. art. 14 and 16); freedom of education, which is open to all and provided at the expense of the State (Const. art. 17); freedom of the press (Const. art. 18); the right of association, of holding meetings and addressing petitions (Const. art. 19 and 21); the inviolability of postal confidentiality (Const. art. 22); and free choice of language from among the languages spoken in Belgium (Const. art. 23).

These individual freedoms have been reinforced by the introduction of a quasi-federal system in Belgium under which the practical responsibility for securing many of the individual freedoms listed above has been devolved upon regions or communities representing homogeneous cultural or linguistic interests, in a manner always consistent with respect for the rights of linguistic, ideological and philosophical minorities (Const. art. 26 (a), 59 (a) and (b), and 107 (b) and (c)).

Going beyond this rigorous national legislation, the Belgian nation allows for the delegation of all or some of its powers to institutions constituted under public international law (Const. art. 25 (a)).

Belgium has not failed to make use of the possibility of joining such institutions (United Nations, EEC, etc.) and has ratified a number of their conventions, which thereby become self-executing in the country.

In addition to joining the European Economic Community with all the implications that entails, Belgium has also incorporated several international standards into its national legal system, such as:

- Universal Declaration of Human Rights (Moniteur Belge, 31 March 1949);

- Convention for the Protection of Human Rights and Fundamental Freedoms (Law of 13 May 1955, Moniteur Belge, 19 August 1955);

- Convention on the Political Rights of Women (Law of 19 March 1964, Moniteur Belge, 2 September 1964);

- Convention on the Elimination of All Forms of Racial Discrimination (Law of 9 July 1975, Moniteur Belge, 11 December 1975);

- Convention on the Elimination of All Forms of Discrimination against Women (Law of 11 May 1983, Moniteur Belge, 5 November 1985).

These examples alone are ample proof of Belgium's commitment to eliminating all forms of discrimination, including discrimination against women. However, the strict unreasoning implementation of the principle of absolute non-discrimination inevitably leads to certain side-effects which are detrimental both to the society enacting the principle and to the people for whom it was supposed to guarantee equal rights.

Therefore, to avoid this danger, the authors of the Belgian Constitution entrusted the legislator with the task of guaranteeing certain individual freedoms (articles 4, 6, 7, etc. of the Constitution) and of allowing exemptions from the principle of equality and non-discrimination in certain circumstances.

These exemptions are exceptional cases and are not arbitrary, as we shall see below, and are always cast in a solid legal framework after extensive consultations with institutional and other talking partners, such as:

- The Commission on Women's Work (Royal Ordinance of 2 December 1974);

- The Council for Emancipation (Royal Ordinance of 31 October 1986);

- The Commissions on Equal Opportunities for Boys and Girls in Education (Royal Ordinance of 2 April 1979, Royal Ordinance of 26 February 1980).

ARTICLE 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

Belgium ratified the Convention on the Elimination of All Forms of Discrimination against Women on 10 July 1985 and became party to the Convention on 9 August 1985.

At the national level, the Convention was adopted by the law of 11 May 1983. At the community level, the Convention was adopted by decrees enacted by the councils of the three communities in the country:

- Decree of 30 March 1983 for the French-speaking community;
- Decree of 5 March 1985 for the Flemish-speaking community;
- Decree of 25 June 1985 for the German-speaking community.

On ratifying the Convention, Belgium made the following two reservations:

Article 7

"The application of article 7 shall not affect the validity of the constitutional provisions contained in article 60 of the Constitution, which reserve to men the exercise of royal powers, and in article 58, which reserve to the sons of the king or, failing them, to Belgian princes of the branch of the royal family called upon to reign, the office of ex officio senator at the age of 18 with the right to vote at the age of 25."

Article 15, paragraphs 2 and 3

"The application of article 15, paragraphs 2 and 3, shall not affect the validity of the transitory provisions applicable to spouses married before the entry into force of the law of 14 July 1976 relating to the reciprocal rights and duties of spouses and their matrimonial property systems, when the spouses have exercised the option granted to them by that law to make a declaration maintaining their pre-existing matrimonial property system intact."

However, these reservations apart, Belgium, by ratifying the Convention, undertook to guarantee equal rights to men and women in the political, economic, social, cultural and civil spheres, and indeed in all other spheres, and to repeal all legislative provisions or regulations, customs or practices constituting direct or indirect discrimination against women.

It should, however, be pointed out that Belgium was already implementing the general provisions of the Convention well before ratifying it and that the national law in force at the time did not require much amendment following the entry into force of the Convention. This was due to the Belgian legislative system, which gives international law precedence over national law: indeed, in most of the areas covered by the Convention a large number of international instruments, United Nations conventions, International Labour Organisation conventions, Council of Europe conventions and directives of the European Economic Community had already almost completely eliminated discrimination against women in the country.

The principle of equality of all Belgians before the law has been enshrined since 1831 in article 6 of the Constitution.

"There shall be no class distinctions in the State. All Belgians shall be equal before the law and shall alone be eligible for civil and military office, with such exceptions as may be specified by law for special cases."

These provisions were supplemented on 24 December 1970 by article 6 (a) which states:

"The enjoyment of all rights and liberties granted to Belgians shall be assured without discrimination. To that end, the rights and freedoms of ideological and philosophical minorities in particular shall be guaranteed by law and decree."

Both the supreme court of appeal ("Cour de Cassation") (Cass. 2.5.1973, Pasicrisie 1973, I, 808) and the highest administrative court ("Conseil d'Etat") (C.E., 15.3.1974, R.A.C.E., 1974, pages 266 and 268) have consistently ruled that the foregoing constitutional provisions prohibit all discrimination based on sex. It was for this reason that in 1978, at the time of the declaration concerning the revision of the Constitution, the views put forward by the Commission on the Status of Women at the Ministry of Foreign Affairs were not upheld. The Commission had called for a revision of articles 6 and 6 (a) of the Constitution to introduce explicit reference to equality between men and women. The request was rejected following a statement by the Minister of Justice (meeting of 14 November 1978) to the effect that:

> "Article 6 of the Constitution forbids all discrimination as between Belgians and unquestionably also between men and women ... Article 6 (a), which was later added to the Constitution, makes any further amendment superfluous."

The remaining discrimination against women of the Belgian royal family, whereby they were excluded from the exercise of royal power, was ended on 21 June 1991 with the adoption of a law amending article 60 of the Constitution. The new text reads as follows:

> "The constitutional powers of the king are hereditary in the direct line of natural, legitimate heirs of His Majesty Léopold Georges Chrétien Frédéric of Saxe-Cobourg, in order of primogeniture."

Therefore, the reservation concerning article 7 made by Belgium when ratifying the Convention is now void.

As we have stressed above, treaties or conventions adopted under the aegis of institutions such as the United Nations and the EEC, which have been ratified by Belgium, are self-executing in Belgium and take precedence over national law.

In this context, the following have been incorporated into the national legal system:

Conventions prepared under the aegis of the United Nations and ratified by Belgium

- Convention concerning Freedom of Association and Protection of the Right to Organize (ILO, 1948);
- Convention concerning the Abolition of Forced Labour (ILO, 1957);
- Convention on the Political Rights of Women (1964);
- International Covenant on Economic, Social and Cultural Rights (1983);
- International Covenant on Civil and Political Rights (1983);

- ILO Convention No. 100 on Equality of Remuneration (1953);

- ILO Convention No. 111 concerning Discrimination in the Matter of Employment and Occupation (1978).

Convention of the Council of Europe

Convention for the Protection of Human Rights and Fundamental Freedoms (1955);

Instruments of the European Economic Community

- Treaty establishing the European Economic Community signed at Rome, 25 March 1957 (articles 100-102, 117-122 and 235);

- Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women;

- Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions;

- Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security;

- Council Directive 86/378/EEC of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes;

- Council Directive 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood.

The task of bringing Belgian law into line with these international standards is given constant attention by the legislature. It is a complex and difficult task, the technicalities of which cannot be enumerated exhaustively here. However, we may state that, in accordance with the provisions of international law and its own Constitution, Belgium has now eliminated all residual forms of discrimination that still persisted in its national legal system. Therefore, as we shall show below, men and women have fundamentally identical rights and obligations in respect of civil law and inheritance law; the criminal law no longer includes adultery as a crime; abortion has been partially decriminalized, and furthermore, women enjoy de jure virtually total equality of opportunity and treatment in respect of welfare law.

Compliance with these legal provisions is ensured by several inspection bodies set up under binding legislation. For example, the law of 4 August 1978 (articles 141-152) lays down a series of penalties for employers who violate the provisions of the law, which is what the welfare inspectors are authorized and obliged to ascertain (law of 16 November 1972 on work inspection, amended in 1989).

Furthermore, should these inspectors or any other Belgian body fail to act, and should the Commission of the European Communities then be of the opinion that Belgium was in breach of Community law, the Commission itself may bring an action before the Court of Justice.

Furthermore, gender-based discrimination aside, any woman who feels that she has been a victim of discrimination violating her fundamental civil, political, economic or social rights and freedoms, has the same opportunity as any other Belgian citizen to bring legal action before the competent court dealing with the field in which the discrimination is considered to have taken place, pursuant to articles 92 and 93 of the Constitution.

Article 130 of the law of 4 August 1978 explicitly states that "any provisions contrary to the principle of equality of treatment, as defined in chapter V of the Law, shall be null and void". If all domestic channels have been exhausted, the person concerned is entitled to bring legal action before the relevant European legal bodies.

ARTICLE 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Belgium has been concerned about the fate of women for decades, which is why it has created numerous committees or commissions including the Secretariat of State for Social Emancipation, which was set up in 1985.

A. Commission on the Employment of Women

Set up in 1974 at the Ministry of Employment and Labour (Royal Ordinance of 2 December 1974), the scope of its activity extends to all matters directly or indirectly connected with the employment of women both in the public and the private sector. The Commission on the Employment of Women consists of representatives of workers' organizations, representatives of employers' organizations, representatives of the relevant ministerial departments and experts.

The Commission issues opinions, either on its own initiative or at the request of the Minister of Employment and Labour, or at the request of the National Labour Council. It proposes legal or regulatory measures which are necessary for the implementation of its opinions. It gathers information, carries out studies, provides information and raises public awareness, organizes study courses and publishes leaflets. It constitutes a specialized service open to the public for all matters regarding the employment of women. Its activities have resulted in important amendments to Belgian legislation.

However, the Commission may only issue opinions to the competent court in disputes relating to the application of the law on equal treatment between men and women. It has no authority to perform surveillance and is restricted to reporting any violations brought to its attention by the Welfare Legislation Inspectorate, without pursuing the matter any further. Even so, the opinions listed below as examples have had, and continue to have, a considerable effect on the whole issue of equality between men and women in Belgium:

Opinion No. 54 of 4 December 1989 from the Bureau of the Commission on the Employment of Women regarding Royal Ordinance No. 442 of 14 August 1986 on "the effect of certain forms of employment status on the pensions of public service employees".

Opinion No. 53 of 4 October 1989 from the Bureau of the Commission on the Employment of Women, regarding the introduction of "maternity insurance".

Opinion No. 52 of 3 April 1989, regarding child-care facilities for children from age 0 to 12.

Opinion No. 51/2 of 28 August 1989 from the Bureau of the Commission on the Employment of Women, regarding the employment of women (training and job placement).

Opinion No. 51/1 of 5 December 1988 from the Bureau of the Commission on the Employment of Women, regarding the employment of women (support for affirmative action), ratified by the Commission on the Employment of Women on 16 January 1989.

Opinion No. 50 of 16 January 1989 from the Commission on the Employment of Women, regarding the equality of treatment of men and women engaged in an activity in a self-employed capacity.

Opinion No. 49 of 16 January 1989 from the Commission on the Employment of Women, regarding sexual harassment at the workplace.

B. The Flemish-speaking and French-speaking Commissions promoting equality of opportunity between boys and girls in education

These bodies were set up in 1979 at the Ministry of French-language Education and in 1990 at the Ministry of Flemish-language Education respectively. Their role is to foster coeducation, changing of attitudes, diversification of job options and teacher retraining. The work of these commissions has been abundant and interesting. As in the case of other commissions, some of their opinions have remained dead letters, whereas others have led to results.

The French-speaking Commission

This Commission was set up in 1979 and its mandate was laid down by Royal Ordinance of 2 April 1979 (Moniteur Belge, 21.9.79). The Commission, acting either on its own initiative or at the request of the Ministry for Education, is called upon to:

- Issue opinions, carry out research or put forward legislative measures or regulations in all matters directly or indirectly related to vocational training of a kind which offers equal opportunities to boys and girls;

- Examine, discuss and issue opinions on various teaching methods, mixed schools, coeducation and other arrangements designed to promote an harmonious relationship between boys and girls and men and women in school, family, social, economic, cultural and political life.

The Flemish-speaking Commission

This Commission was created in 1980. Its mandate was laid down by Royal Ordinance of 15 February 1980 (Moniteur Belge, 26.2.80), but the Commission was not actually established and made operational until 14 July 1982. The Commission, acting either on its own initiative or at the request of the Ministry of Education, is called upon to:

- Issue opinions, carry out research and put forward legislative measures or regulations on any matters directly or indirectly related

to the promotion of equality of opportunity between girls and boys in all branches of study and at all levels of education;

- Carry out research and issue opinions on various different educational approaches, such as mixed schools and coeducation, to be implemented in order to promote a harmonious relationship between boys and girls and men and women in school, family, social, economic, cultural and political life;

- Draw up the elements to be included in the training and retraining programmes for teachers;

- Put forward measures for adapting the activities of the Psychological and Medical Welfare Centres (the "PMS") and those of the academic and vocational guidance offices.

The Flemish-speaking Commission has recently issued the following opinions:

Academic year 1987-1988

Opinion XXI: Teacher dossier on teacher training in higher education entitled "Giving equal encouragement to boys and girls in education".

Opinion XXII: The work placement of girls on sandwich courses.

Opinion XXIII: In-service training project:
Teaching dossier on the training of nursery, primary and secondary school teachers.

School year 1988-1989

Opinion XXIV: Using the criteria of sex in the allocation of duties to physical education teachers.

C. The Council for Emancipation

The Council for Emancipation is an advisory body established on 31 October 1986 by Royal Ordinance. The Council is pluralist and comprises 23 French-speaking and Flemish-speaking women's organizations and one German-speaking organization. It is called upon to issue opinions and put forward measures to the Secretary of State for Social Emancipation on all matters directly or indirectly connected with the social emancipation of women. In this way, it meets the needs of the Secretariat of State and also functions as a sort of alarm signal whereby women can voice their requirements and expectations vis-à-vis the political world.

In its four years of existence, the Council for Emancipation has issued eight opinions, all of which are designed to promote equal opportunities for men and women. These opinions cover a wide range of issues, such as equalizing the pension age for men and women, tax reform and even measures to assist the long-term young unemployed (70 per cent of whom are women). More recently, the Council issued an opinion on the grammatical gender of job and function titles.

Particular attention has been devoted to examining the implementation of European directives on the equal treatment of men and women. In this context, the Council has spent time identifying the loopholes and problem areas and analysing Belgium's position vis-à-vis these directives.

Opinions have been drawn up on the following:

Opinion 8: On preemptive affirmative action.

Opinion 7: On examining the possible amendment of articles 348-353 of the Criminal Code regarding abortion.

Opinion 6: On the implementation of European directives regarding the equal treatment of men and women.

Opinion 5: On the grammatical gender of job and function titles.

Opinion 4: On measures to be taken to assist young long-term unemployed persons who are entitled to benefits pending a job.

Opinion 3: On tax reform.

Opinion 2: On equalizing the pension age for men and women.

D. "Social Emancipation" Advisory Committee of the House of Representatives

Established in June 1986, this Committee is responsible for issuing opinions on all issues directly or indirectly related to emancipation. To date, it has worked closely with the Ministry of Employment, the Ministry of Pensions and the Secretary of State for Social Emancipation as well as with the Chairwoman of the European Parliament's Women's Committee.

Its most recent opinions have touched on the following issues:

- Family benefits for the self-employed;
- The age at which women may draw their pension;
- Draft legislation aimed at promoting balanced representation of men and women in bodies with advisory powers;
- Employment of women and flexibility of work.

E. Ministerial Committee on the Status of Women

This Committee was set up by Royal Ordinance of 18 November 1980.

The establishment of this Ministerial Committee marks the second stage of the active endeavours of Belgian women, and it constitutes a considerable achievement, since the Ministerial Committee on the Status of Women has decision-making powers. It is responsible for issuing opinions on "problems relating to the position of women in society and more specifically on the measures which must be taken to ensure equal treatment of men and women".

The Committee is presided over by the Prime Minister.

F. The Commission on Domestic Labour

This Commission was set up in 1985 at the Ministry of Social Welfare by the law of 2 August 1985.

The implementation of the law of 2 August 1985 requiring the establishment of a Commission on Domestic Labour was entrusted to the Secretary of State for the Environment and Social Emancipation. The Commission started its work on 26 March 1986.

The Commission on Domestic Labour, either on its own initiative or at the request of the Minister of Social Welfare or other ministers concerned, is called upon to issue opinions, carry out surveys, and also to put forward legal measures or regulations for all matters directly or indirectly connected with domestic labour.

The Commission is also responsible for providing opinions to the Supreme Councils for the Family of the French or Flemish Communities respectively as well as to the National Labour Council, whenever so requested by them. In the fulfilment of its duties, the Committee may take account of any information it deems useful and call upon experts from outside its own membership.

G. Advisory Committee on Disputes relating to Equality of Treatment of Men and Women in the Civil Service

This Committee was set up in 1984 at the Ministry for the Civil Service (Royal Ordinance of 2 March 1984). The Committee has responsibility for providing the competent court, at the latter's request, with opinions concerning the implementation in the Civil Service of the provisions of Title V of the law of 4 August 1978 relating to equal treatment.

The Committee may gather any and all information needed for the satisfactory discharge of its duties and avail itself, if necessary, of the services of outside experts.

It may also, either on its own initiative or at the request of the minister responsible for the civil service, and for the purpose of avoiding litigation, be called upon to give advice, carry out studies or put forward legislative measures or regulations in all matters directly or indirectly connected with the equal treatment of men and women in the civil service.

H. The Secretariat of State for Social Emancipation

The first time a member of Government had been given a specific portfolio on the social emancipation of women was in 1985, and this initiative has been extended under the current Government. As stipulated by Royal Ordinance of 22 September 1988, the Secretary of State for Social Emancipation has special responsibility for launching initiatives designed to ensure equal opportunities for men and women and for coordinating policy in the area of social emancipation. Since its launching, emancipation policy has focused on questions of both structure and content.

(1) Structural measures

The success of an emancipation policy is largely determined by the extent to which it is supported by effective legal instruments. Over the years, numerous measures have been taken in this direction.

1.1 Budget and administration

From the outset, the emancipation of women has been allocated its own budget and administration. Indeed, the budget has been gradually increased from 12.5 million in 1986 to 25.6 million in 1987, 33 million in 1988, 65 million in 1989 and 71.5 million in 1990.

A temporary staff of 10 persons has been responsible for logistical support since 1 September 1987. It was recently decided that the staff should be expanded and supplemented with five contract workers.

1.2 The Council for Emancipation

As we have said above, the Council for Emancipation was set up by Royal Ordinance of 31 October 1986. To date, the Council has issued eight opinions, notably on equalization of the pension age for men and women, on the grammatical gender of job and function titles, and on affirmative action designed to prevent unwanted pregnancies.

In order to improve the running of the Council for Emancipation, an appropriation of 1.5 million was allocated from the 1990 budget. In addition, a Royal Ordinance has been drawn up - and is soon to be enacted - under which Council Members will receive an allowance to cover their travel and representational expenses.

1.3 Granting of subsidies for projects concerning the emancipation of women

A Royal Ordinance was enacted on 27 October 1987 under which subsidies may be granted to innovative projects in the area of the social emancipation of women.

A guide to subsidies has been published to assist people drawing up projects and to familiarize them with the administrative formalities. Over the last four years more than 80 applications for subsidies were received, of which 66 were approved.

(2) Content of the policy

The policy of women's emancipation is structured around three priority areas:

- Combating violence against women and children;
- Integrating women into socio-economic life;
- Women's participation in decision-making.

These priorities will be examined in greater detail in the discussion of other articles of the Convention below.

I. French-speaking community: Department for the Social and Cultural Advancement of Women

This department, established within the French-speaking Community Administration, is responsible for all matters concerning women which are not covered by a national body. Its activities mainly involve the areas of information, coordination and consultation within the French-speaking community.

J. The Flemish-speaking community and region: Vlaams Overleg Commissie Vrouwen (Flemish Women's Consultative Commission)

The setting up of this Commission is a recent initiative (9 November 1990) of the Sociaal Economische Raad van Vlaanderen (Economic and Social Council of Flanders).

The Consultative Commission is responsible for issuing opinions on all matters concerning the economic and social situation of women in the Flemish-speaking region. In addition, it is responsible in general for information, research and recommendations on these same matters.

K. German-speaking community

There is no special structure to deal with matters concerning the position of women in the German-speaking community, although this is one of the issues given attention by the Community Minister for Social Affairs. A study has been made of the socio-economic situation of women in this community: age, employment, unemployment ...

L. Other

In addition to the official bodies referred to above, issues associated with the equality of men and women are considered by various movements which are very active in a variety of areas and sectors.

Since it is impossible to provide a complete list of all these organizations, we shall restrict ourselves to those which are members of the Council for Emancipation referred to above:

- C.M.B.V. Christelijke Beweging voor Vrouwen uit de Middengroepen (Christian Movement for Women in Self-Employment)

- S.V.V. De Socialistische Vooruitziende Vrouwen (Forward-Looking Socialist Women)

- F.V.V. Federatie van Vlaamse Vrouwengroepen (Federation of Flemish Women's Groups)

- V.K.A.J. Vrouwelijke Kristelijke Arbeiders Jeugd (Young Christian Women Workers)

- K.V.L.V. Katholiek Vormingswerk van Landelijke Vrouwen (Catholic Training Service for Rural Women)

- V.O.K. Vrouwen Overleg Komitee (Women's Liaison Committee)

- K.A.V. Kristelijke Arbeiders Vrouwengilde (Christian Women Workers' Guild)

- A.C.I. Action Catholique des Milieux Indépendants (Catholic Action for the Self-employed)

- L.V. Liberale Vrouwen (Liberal Women)

- A.A.F. Alliance Agricole Féminine (Women's Agricultural Alliance)

- C.L.F. Comité de Liaison des Femmes (Women's Liaison Committee)

- A.C.V. Algemeen Christelijk Vakverbond (Confederation of Christian Trade Unions)

- C.N.F.B. Conseil National des Femmes Belges (National Council of Belgian Women)

- A.B.V.V. Algemeen Belgisch Vakverbond (Confederation of Belgian Trade Unions)

- F.P.S. Femmes Prévoyantes Socialistes (Forward-Looking Socialist Women)

- F.G.T.B. Fédération Générale des Travailleurs de Belgique (General Federation of Belgian Workers)

- V.F. Vie Féminine (Women's Life)

- C.O.V.I.F. Coordination : groupe contre les violences faites aux femmes (Coordination Group against Violence committed against Women)

- A.C.L.V.B. Algemene Centrale der Liberale Vakbonden van België (General Headquarters of Liberal Trade Unions of Belgium)

- C.S.C. Conféderation des Syndicats Chrétiens (Confederation of Christian Trade Unions)

- V.O.G.O.V. Vlaams Overleg Geweld op Vrouwen (Flemish coordination against violence committed against women)

- N.V.R. Nationale Vrouwen Raad (National Council of Women)

- Nationalen Frauenrad Belgiens (National Council of Belgian Women)

- A.S.C.F.L.F. Association Socio-Culturelle des Femmes Libérales Francophones (Socio-Cultural Association of French-speaking Liberal Women).

Their activities, especially those which involve innovative projects, are supported, as mentioned above, by a policy of subsidies granted in accordance with precise criteria pursuant to the Royal Ordinance of 27 October 1987.

ARTICLE 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Ever since it was set up, the Secretariat of State for Social Emancipation has carried out an intensive policy of affirmative action.

Affirmative action is a political instrument at the work organization level (for example, at the enterprise or public department level), whereby measures are planned, implemented and monitored for the purpose of eliminating de facto inequalities that block opportunities for women.

In this light, affirmative action is not a marginal or isolated phenomenon, but an important element in overall personnel policy. A policy of this type is desirable not only as an application of the principle of equality of opportunity between men and women, but also for reasons of socio-economic efficiency. From the socio-economic point of view, a policy of affirmative action can play a regulatory role.

Furthermore, affirmative action also makes socio-economic sense in the context of the organization of work itself. Affirmative action offers numerous advantages, such as alleviating the lack of skilled staff, uncovering hidden talents, promoting efficiency and increasing productivity, optimizing motivation, improving the working environment, giving the enterprise a positive image and so on.

From the outset it was decided to develop a general strategy providing the widest possible scope for affirmative action. To this end the following measures were taken.

With a view to drawing up a legal framework - and pursuant to article 119 of the law on economic reorientation of 4 August 1978 - the Minister for Employment and Labour and the Secretary of State for Social Emancipation issued on 14 July 1987 a Royal Ordinance setting out measures designed to promote equality of opportunity between men and women in the private sector.

Affirmative action can be carried out on a voluntary basis in the private sector in accordance with this ordinance.

In order to devise a concrete method for putting these affirmative measures into effect, the Secretary of State for Social Emancipation decided in 1986 to launch a pilot project with the scientific support of a university institution. The pilot project was carried out at the headquarters of the

telegraph and telephone company, with the cooperation of the then Secretary of State for the "P.T.T." (post office and telecommunications). The Hoger Instituut voor de Arbeid (Higher Institute of Labour) was responsible for the scientific monitoring of the project.

This pilot project was the basis for the "Guide to affirmative action in enterprises".

In order to encourage private enterprises to include affirmative action in their staff policy, the "Guide to affirmative action in enterprises" was initially circulated in April 1988 to all enterprises employing more than 100 workers, with the request that they make use of it effectively.

It was then decided to draw up agreements with the enterprises. The enterprises undertake to draw up and implement an equal opportunities plan in accordance with the method set out in the guide and, for its part, the Secretariat of State provides them with specialists on affirmative action free of charge.

In order to encourage the enterprises to enter into this type of agreement, an awareness campaign was carried out at the end of 1988 with the slogan "The man your company needs may already be there". Staff from the Secretariat of State for Social Emancipation contacted heads of enterprises and personnel managers.

The result of this approach is that, to date, agreements have been signed with 40 private enterprises.

These enterprises are involved in a variety of sectors: information technology, chemistry, electronics, the hotel trade, metallurgy, the automobile industry, transport, banks and insurance, textiles, paper, graphics, pharmaceuticals, construction, electricity, perfumes, tourism, and so on.

As regards practical implementation in these private enterprises, the provision of experts responsible for monitoring is an absolute necessity in the initial phase of an affirmative action policy. The Secretary of State for Social Emancipation uses well-known management institutes for this purpose.

An important step in implementing affirmative action is to make an analysis of the company and draw up an analytical report. For most companies it is rather difficult to analyse staff policy with a view to comparing the position of men and women. The experts made available to the companies are often faced with one serious obstacle, namely that the enterprises do not have the required data broken down by sex. This means that one of the first tasks of an affirmative action policy must be to refine the existing computerized data and in particular to break down the staff data according to sex.

On the basis of the analytical report, an initial affirmative action plan is drawn up in cooperation with the enterprise. This initial plan is in fact a list of concrete projects which could be implemented. By now, all the enterprises involved in the process have been provided with an analytical report and an action plan.

The different projects may fall into one or more of the following categories:

(a) Adopting equal opportunities recruitment techniques: making selection staff aware of various issues, adapting job advertisements, carrying out activities designed to enhance the image of the enterprise.

(b) Optimization of access for women to positions where they are underrepresented, such as:

- In marketing and areas other than administration;
- In non-traditional areas such as engineering and production;
- In managerial posts.

(c) The training of women in non-traditional professions suffering from labour shortages, for example as welders, electricians, fitters, machine operators, printers, etc.

(d) Raising awareness among staff (at all levels) and improving the information available to them in order to achieve integration of the equal opportunity policy.

Belgium has for many years had industrial relations structures conducive to social dialogue between representatives of workers and employers. Both workers' and employers' representatives have been encouraged by the Minister for Employment and Labour to make affirmative action an integral part of labour negotiations.

The inter-professional agreement of 1989-1990 was the first to make reference to affirmative action. This agreement provided for the creation of an affirmative action monitoring unit under the Department for Collective Labour Relations at the Ministry for Employment and Labour. Since that time, affirmative action has figured in the collective agreements signed by a dozen joint committees in various professional sectors.

Currently, a project entitled "Affirmative Action Training School" is being drawn up. This will be set up together with representatives of employers and workers and in cooperation with scientific institutions. The prime objective is to communicate the know-how acquired in the course of pilot projects to as many enterprises as possible.

Initially, in order to encourage public departments also to carry out affirmative action, the Secretary of State for Social Emancipation has entered into contracts similar to those signed with the private sector with a certain number of large public enterprises such as RTT, BRT and the Province of Limbourg, pending ratification by royal ordinance.

In the case of BRT (the Flemish-speaking radio and television), affirmative action has a double objective: it is designed to introduce equal employment opportunities for women and at the same time to have a positive influence on the social image of women.

In the context of improving the image of women in the media, a brochure entitled "Zeg niet te gauw, d'r is geen vrouw" ("Don't assume there's not a woman") was recently published. This brochure contains names and addresses

and other information about 428 women specializing in various fields. The aim of this publication is to give a higher profile to women in radio and television, and also in the press. A second objective is to make these women and their skills known to all the movements and organizations which might be looking for an expert in a given field.

Later on, since it was felt that the public authorities should set an example in this area, it seemed clear that affirmative action ought to be made obligatory for public departments. Accordingly, on the initiative of the Secretary of State, the Royal Ordinance of 27 February 1990 on measures aimed at promoting equality of opportunity for men and women in the public services was published in the Moniteur Belge of 8 March.

This ordinance is applicable to:

1. Administrative bodies and other State departments, including the departments assisting the judiciary and therefore also the executive departments of the Communities and Regions;

2. Public interest bodies under the authority, supervision or auspices of the State;

3. The provinces, municipalities and all other provincial or local bodies referred to in articles 108, 108 (a) and 108 (b) of the Constitution;

4. Public establishments under the authority of municipalities.

An equal opportunities plan must be drawn up for each public department to include at least the following:

1. A description of the situations which need to be corrected;

2. A description of the objectives to be attained, in the light of the relative position of men and women in the public department concerned;

3. A description of the affirmative measures envisaged;

4. The date of entry into force of the plan;

5. The duration of the plan and the deadlines anticipated for the completion of intermediate stages;

6. Designation of the person or persons responsible for implementing the affirmative measures under the plan;

7. Ways and means of carrying out periodic and final evaluation of the affirmative action, supervising the implementation of the measures foreseen within the public department concerned and making any amendments required.

No stage of the equality plan can be regarded as properly implemented without monitoring by ad hoc committees set up for this purpose and empowered

to act at the highest level possible. Overall monitoring of all the plans is the responsibility of a Ministerial Commission.

Unlike the private sector, where the Royal Ordinance of 14 July 1987 provided for affirmative action to be carried out on a voluntary basis, this Royal Ordinance obliges public departments to undertake affirmative action on the basis of a precise method and timetable.

The public authorities constitute one of the largest employers in the country and can therefore set a good example in the sphere of affirmative action; for, despite all the goodwill and legal support, the position of women in public departments is still worse than the position of men.

In order to clarify the Royal Ordinance, the Secretary of State distributed a leaflet entitled "Affirmative action in public departments".

Following the Royal Ordinance, the Secretary of State decided to take steps aimed at supporting the activities of officials responsible for implementing affirmative action measures at each crucial stage of the drafting and implementation of the equal opportunities plan.

With this in mind, the Secretary of State initially sent a form to all public departments asking them to designate an official responsible for the affirmative action plan. Approximately 70 per cent of the public departments completed the form and returned it to the Bureau.

Working meetings for these officials were organized during May and June. During these meetings, in addition to general discussion on affirmative action in public departments, specific attention was given to the drafting of the analytical report. For this purpose, two model analytical reports were drawn up and distributed, one for the ministries and bodies of public interest and one for the municipalities and the public centres for welfare aid. Given that the municipalities are a large group, experts were made available to them by the Secretary of State for Social Emancipation in cooperation with the Provinces.

A point to be noted is that the Flemish-speaking region has submitted an appeal to the Conseil d'Etat (State Council), the highest administrative body in the country, calling for the repeal of this Royal Ordinance on the grounds that the Secretary of State exceeded her competence. A decision in this appeal is still outstanding.

ARTICLE 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

A. The Secretary of State for Social Emancipation has been steadfast in heading the fight against violence against women and children.

Given that women are still often victims of sexual harassment at work, indecent assault, rape, and ill treatment and sexual abuse within the family, the Secretary of State for Social Emancipation has made this issue one of the three key areas in emancipation policy.

It should not be forgotten that such acts not only entail intolerable human suffering but are also criminal offences, and that violence and sexual violence and the anxiety which accompanies them are huge obstacles to women's liberty.

Violence and sexual violence against women are linked to the social position of women. Physical and sexual violence are ways of expressing the differences in power between men and women and a means of confirming these differences.

The overall objectives of the fight against violence against women and children can be realized by achieving a certain number of more specific aims:

- To make the problem of violence and sexual violence against women and children more visible;
- To break the taboo which still surrounds sexual violence in our society;
- To enhance the know-how and skills of people involved in receiving and guiding the victims of sexual violence;
- To detect at an early stage and wherever possible prevent cases of violence and sexual violence against women and children;
- To improve the legal position of victims of sexual violence;
- To improve the care and assistance offered to victims of violence by the police and the gendarmerie;
- To introduce cooperation networks at the regional level as regards initial assistance and care for victims of sexual violence.

Given that Belgium did not have any statistical data on violence against women, the Secretary of State for Social Emancipation ordered a survey with a view to determining, on a scientific basis, what proportion of women in Belgium had been victims of various types of violence, who the perpetrators of the violence were and, in particular, what effects it had had on the lives of the women involved.

About 1,000 women were interviewed in the course of this survey, which revealed that one in eight women had experienced some form of serious or extremely serious sexual violence. In the case of pure physical violence, the fraction was one in six.

With a view to breaking the taboo which surrounds the issue of violence, the Secretary of State for Social Emancipation launched two awareness campaigns.

The campaign entitled "Sex-Collègue? Ex-Collègue." (Sex colleague? Ex-colleague!) aimed to raise awareness on the issue of sexual harassment in the workplace. This campaign was based on a national survey carried out at the request of the Commission on Women's Employment, and it revealed that 41 per cent of the women and 21 per cent of the men interviewed had experienced situations involving sexual harassment at the workplace. All in all, 40,000 leaflets aimed at workers, 23,000 information packs and 33,000 posters as well as 35,000 stickers were distributed.

Following this campaign, the Minister for Employment and Labour and the Secretary of State for Social Emancipation submitted, on 19 July 1989, a request for an official opinion from the National Council on Labour, asking that joint consultations between workers and employers be held to devise preventive measures aimed at combating sexual harassment.

In the end this official opinion came to the conclusion, in 1990, that there was no need to legislate against sexual harassment: the National Council on Labour was of the opinion that existing Belgian legislation was adequate to allow any person who felt that she or he had been a victim of violence to seek redress.

The Secretary of State for Social Emancipation then took the step of drawing up a preliminary draft royal ordinance requiring enterprises to stipulate in their work regulations that sexual harassment is not tolerated within the enterprise, to devise a complaints procedure and appoint a counsellor, and to lay down penalties for persons contravening these rules.

The campaign entitled "Violence Voulue" (Deliberate Violence) was run a year later and aimed to break the taboo surrounding violence and sexual violence against women.

On the basis of the documents drawn up by the Women and Safety working group, which was set up in 1986 by the Secretary of State for Social Emancipation, a general information leaflet on violence, a leaflet entitled "Emergency assistance for victims of violence" and an information pack entitled "Police Action" were produced. More than 100,000 copies of the two leaflets, 10,000 "Police Action" information packs and about 5,000 posters were distributed and there continues to be considerable demand for them today.

In addition, a number of steps have been taken in the area of training and information for concerned parties, in particular research on assistance in cases of sexual abuse of children within the family.

On the basis of the activities of the national working group on sexual abuse of children within the family, which was subsequently set up, an information pack entitled "Emergency assistance in the case of sexual abuse of children within the family" was compiled. To date approximately 20,000 copies of this have been distributed.

Some video films on the issues of violence and sexual violence have also been provided free of charge for training courses.

Subsidies have been granted for projects designed to elaborate a special approach for assisting the victims of sexual violence.

Furthermore, steps have been taken to improve the reception of victims of sexual violence on the part of the police and the gendarmerie. For example:

- The "Women and Safety" working group drew up the "Police Action" information pack;

- A certain number of training hours for the gendarmerie and the police are given over to problems of sexual violence and the handling of victims;

- Special courses have been designed for those involved in training the gendarmerie and the police with a strong focus on the subject of sexual violence;

- During the preparation of the Sexual Assault Pack, guidelines were drawn up for police officers to enable them to provide victims with a more positive reception.

Furthermore a large-scale prevention project aimed at young victims has been prepared.

A video film called "Dis-le!" ("Speak out") as well as an accompanying booklet for teachers have been made available to all primary schools in Belgium.

The video is designed to teach children that they should not accept violence on the part of adults or their peers, and that it is important to learn to express the feelings they have at the way in which they are treated physically.

A guidebook for schools accompanies this video. Seven hundred and fourteen videos and leaflets have already been distributed in Flanders. An evaluation study reveals that 93 per cent of teachers have a positive attitude towards this initiative.

A national survey was carried out on the geographical location of the agencies involved in the reception and care of women and children who are victims of violence. For the whole of the country, 1,113 agencies were listed.

Cooperation networks are soon to be established on the basis of this survey in order to coordinate assistance for women and children who are victims of violence.

In order to pave the way for the creation of cooperative groups devoted to the campaign against violence against women and children, the Secretary of State for Social Emancipation called upon Professor Dr. F. Lammertijn from the Department of Sociology of the University of Leuven to carry out a study on the geographical distribution of the agencies involved in the reception and care of women and children who are victims of violence.

The addresses, grouped together by province in the course of this study, are currently being distributed to all parties involved in dealing with the problem of sexual violence, including police departments.

The set of documents is entitled "Women and children victims of violence. List of addresses and guide to assistance structures".

Section 1. Province of Antwerp
Section 2. Province of Limburg
Section 3. Province of East Flanders
Section 4. Province of West Flanders
Section 5. Flemish-speaking Brabant and Brussels
Section 6. French-speaking Brabant and Brussels
Section 7. Province of Hainaut
Section 8. Province of Liège
Section 9. Province of Luxembourg
Section 10. Province of Namur.

Each section contains a list of all the services and all the bodies involved in the reception of women and children who have been victims of violence in the province.

These services and bodies have been listed on the basis of five activities:

1. Police activities;

2. Social activities, i.e. information and research;

3. Diagnosis and initial reception;

4. Assistance;

5. Residential care.

A map of the province in question is attached to each section.

This list makes it possible to locate immediately the various services, to identify their activities and to determine where such facilities are heavily concentrated, where they are rare, and where they are not available at all.

By making these lists of addresses available to all persons concerned, the Secretary of State aims to:

- Give all parties involved an instrument enabling them to inform the victims of sexual violence or other concerned parties of the assistance facilities available in their province.

- Promote cooperation and the exchange of information and know-how among all those in a given province who are involved in the emergency reception and follow-up care of victims of violence.

A further step was taken in the form of the cooperation agreements between the Secretary of State and the provinces designed to coordinate all activities involved in the campaign to stop violence against women. Each province is provided, for one year, with a coordinator responsible for promoting liaison between the services involved in the problems of violence. The coordinator's task is to establish, at the provincial level, cooperation between the police, the courts, medical services and welfare services in order to improve the quality of reception for victims of violence.

The aim is to decentralize the coordination and place it within the competence of an intermediate political level which is in a better position to understand the specific local and regional aspects of the issues.

On 4 July 1989 the new law on rape was adopted. For the first time this law provides a definition of the crime of rape. Rape is defined as "any act of sexual penetration, of whatever sort and by whatever means, committed on a non-consenting person".

Rape within marriage and homosexual rape now have a legal definition. The penalties have been made more severe in certain cases; better guarantees of protection of anonymity are provided; and the victim may have the doctor of his or her choice present during the medical examination.

None the less, the existing criminal procedure applied in Belgium is not - either in its approach or in its mode of application - directly conducive to satisfactory reception and appropriate care of victims of sexual violence, which is why many victims do not seek redress.

However, purely from the point of view of crime prevention, it is in the interests of society to make sure that the people who commit acts of sexual violence are sought out, prosecuted and sentenced.

Measures aimed at avoiding feelings of "secondary victimization" on the parts of victims of sexual violence have always been at the centre of the policy pursued by the Secretary of State for Social Emancipation.

With this very issue in mind, approximately two years ago she responded positively to a police initiative calling for the introduction of a Sexual Assault Pack in Belgium.

The Sexual Assault Pack is a set of instructions and suggestions and comes in the form of a box containing different types of medical equipment especially designed for taking samples as evidence of sexual violence. With these samples as evidence it will be subsequently possible scientifically to prove the guilt or innocence of a suspect. In certain cases, it will be possible to find the guilty person on the basis of the samples taken from the body of the victim.

The Sexual Assault Pack has some important advantages for the victim:

- For the first time, victims of sexual violence have at their disposal exhibits to produce in evidence which are generally accepted and which will reinforce their position considerably;

- The medical examination carried out using the Sexual Assault Pack is standardized: this means that, if it is carried out correctly, the results obtained cannot be doubted. In this way, the victim will be saved the trouble of a second medical examination, which was often required in the past;

- Thanks to the Sexual Assault Pack, victims will be often called on to give evidence in court. The information available from their statements, the medical examination carried out using the Pack and the analysis of the samples taken will in most cases provide sufficient information;

- Also for the first time, standardized guidelines have been issued to police and medical departments on how to treat victims more considerately and sympathetically.

These guidelines recognize for the first time the need to give victims adequate information about the criminal procedure, and as a result we now have a new information guide for victims.

Once the victims have given their statements, they receive an information guide which explains to them what will happen next, what the follow-up will be on their allegations, and where they can turn for additional help.

By now all C.I.D. and gendarmerie brigades have the Sexual Assault Pack. As regards the municipal police, 130 municipalities have the Pack at their disposal.

In order to inform the population in general and all competent experts in particular of the existence of the Pack, the Minister of Justice and the Secretary of State for Social Emancipation have launched a national information campaign. An information pack was prepared for the experts: police and gendarmerie officials, members of the public prosecutor's office, examining magistrates, doctors, therapists, agencies and all other persons concerned.

A leaflet entitled "Reporting an incident of indecent assault or rape" has been made available to potential victims and to the general public. There is also a poster with the slogan "Rape. What use is silence?", which was chosen as visual support for the campaign. The poster and the leaflet for potential victims include the name and telephone number of the organizations Télé-Accueil or Tele-Onthaal. By dialling this number, it is possible to ask questions anonymously about the Sexual Assault Pack, the procedure for reporting an incident, and any other questions relating to the campaign.

A video in French and a video in Flemish on the Sexual Assault Pack have now been prepared at the request of the Secretary of State for Social Emancipation. In this way persons involved in the reception of victims of sexual violence are in a position to give the victims of rape information on

the Sexual Assault Pack and to prepare them, if necessary, for medical examination. In each province, "information afternoons" have been organized for all persons and agencies interested in the Sexual Assault Pack.

B. Any policy aimed at integrating women into socio-economic life must be situated within an overall social context and therefore take account of changes which have affected the employment market in recent decades. The increased proportion of women in the active population is one of the striking features of social change in recent years. In 1947, the active population of Belgium was made up of 76.6 per cent men and 23.4 per cent women, whereas the relationship is now 59.3 per cent to 40.7 per cent.

The growing activity rate on the part of women is particularly striking in the younger age brackets. For example, in the 25-29 age bracket, the percentage of working women has increased from 49.7 per cent in 1970 to 78 per cent at present. Most studies reveal a notable strengthening of this trend, due to the fact that young women who are currently working will continue to work until retirement age.

Although this increased participation might be regarded as an improvement in itself, it does not necessarily mean that the position of women in the employment market has also improved in a qualitative sense.

Women are employed largely in a limited number of professions, mainly in the tertiary sector where they constitute 48.8 per cent of all workers; in the secondary sector they make up only 19.8 per cent of the workers. They are over-represented at the lower professional levels and very few have access to managerial posts. 24.9 per cent of women work part-time as opposed to 1.7 per cent of men.

The unemployment statistics also show that it is mostly women who face difficulties in entering the work market. Sixty per cent of the unemployed are women; they make up 70 per cent of the long-term unemployed, and 61.7 per cent of unemployed persons under the age of 25.

Demographic trends are a second important factor influencing the employment market. As a result of the falling birth rate there are fewer and fewer young people entering the employment market. According to calculations from the Planning Bureau, young people will make up only 30.2 per cent of the population in the year 2000 as opposed to 36.2 per cent in 1980. This trend will inevitably result in a shortage of male workers, which could be compensated for by using the female work potential.

Technological changes have also had important consequences in the sense that there is a greater and greater need for highly qualified workers, especially ones with technical training both at the secondary and higher level. However, these development have also meant that it is mostly women who face problems in striking the right balance between studies, training and the employment market.

In fact it is the responsibility of the public authorities to ensure that the right balance is attainable. This means that both the world of education and the employment world will have to adapt to the increased presence of women on the employment market.

It has been decided to introduce measures in these two areas, as will be seen in the discussion of articles 10 and 11.

C. At the end of 1987, the Secretary of State concluded an affirmative action agreement with BRT (the Flemish-speaking Belgian radio and television company).

The affirmative action carried out at BRT pursues a double objective, that of stimulating employment opportunities for women at BRT itself and of influencing the social image of women. Under the agreement an Emancipation Bureau was set up in March 1988, staffed on a part-time basis by a female representative of the Secretary of State's office and by a BRT staff member.

The booklet "Zeg niet te gauw d'r is geen vrouw" ("Don't assume there's not a woman ...") was produced for the purpose of improving the image of women in the media. It was a joint venture between the Secretary of State for Social Emancipation and BRT, and it contains a list of women specialists in a variety of areas.

The objective of this publication was to give women a higher profile both in radio and television and in the written press. It also aims to make these women better known to all the associations or organizations who might be looking for a specialist.

The Emancipation Bureau was responsible for distributing the booklet among journalists. The Office of the Secretary of State for Social Emancipation was responsible for distributing it to associations and all other interested parties.

In this way, 4,000 copies of the first booklet were distributed very rapidly. A second enlarged edition containing information on 838 women has just left the press.

In order to change the traditional image of women in the media, an ad hoc subcommittee was set up at BRT, consisting of persons responsible for radio and television programme-making. This Commission will deal systematically with certain matters relevant to the issue and intends to prepare action strategies:

- Journalists and programme-makers will be interviewed about the image they give of women in their programmes (text and pictures).

- A panel of about 50 men and women watched BRT programmes intensively for three weeks spread over a period of eight months. The results of their survey are contained in a report submitted to BRT officials.

ARTICLE 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

On 6 May 1965 Belgium ratified the United Nations Convention on the Suppression of Traffic in Persons and the Exploitation of the Prostitution of others, of 2 December 1949. Belgium is a so-called "abolitionist country", i.e. one in which prostitution is not punished, regulated or controlled. Nevertheless, in the case of prostitutes under the age of 18, protection measures may be taken by the Juvenile Court in accordance with the provisions of article 36 of the Law of 8 April 1965 on the Protection of Young People.

Exploitation of the prostitution of women constitutes - in the same manner as that of prostitution of other persons - a criminal offence punishable under articles 379 and 382 of the Criminal Code (see text of the articles annexed).

In accordance with Article 379, anyone who promotes the debauchery, corruption or prostitution of a minor, in the knowledge that the child is a minor, is punishable with a term of imprisonment of between one and five years and a fine of not less than BF 100 and not more than BF 5,000 (multiplied by a factor of 60) if the minor is over 16 years of age. If the minor is less than 16 years of age, the applicable sentence is five to 10 years' forced labour, and 10 to 15 years if the child is under the age of 10.

In the same situations, but where the offender is unaware that the child is a minor, article 380 provides for a sentence of between six months and five years' imprisonment and a fine of no less than BF 50 and no more than BF 5,000 (multiplied by a factor of 60).

Article 380 (a) imposes a sentence of one to five years and between BF 100 and BF 5,000 (multiplied by a factor of 60) for pimping, running a brothel, procuring or habitually exploiting the debauchery and prostitution of adult persons.

Article 380 (b) lays down the penalty of imprisonment for anyone who has held a person against his or her will in a house of ill-repute or has compelled him or her to engage in prostitution (cases of traffic in human beings).

Articles 381 and 382 make provision for heavier penalties in certain cases and for the suspension of certain rights (article 31).

The Ministry of Justice has pointed out that although in 1985 the press reported a few cases of child prostitution, this phenomenon remains rather rare in Belgium.

The Secretary of State for Social Emancipation has given high priority to a thorough examination of all the problems raised by prostitution and its exploitation in Belgium with a view to formulating any appropriate measures to bring it to an end.

On the same lines, the Secretary of State has lent support to associations such as the A.S.B.L. "Movement du Nid" which aims to combat prostitution and rehabilitate persons who have been victims of it. With the financial support of the Secretary of State for Social Emancipation this movement has made a video programme on prevention aimed at making young children and adolescents aware of the dangers of prostitution, as well as producing leaflets aimed at young viewers and programme leaders to accompany the video.

The target audience for such videos consists of children of secondary school age (12-18).

ARTICLE 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Belgian women enjoy the exercise of political rights in the same manner and under the same conditions as men. Political rights and, in particular, the right to vote and to stand for election were granted to women in 1920 for local government elections and in 1948 for parliamentary and provincial elections. Furthermore, articles 2 and 3 of the United Nations Convention on the Political Rights of Women, ratified by Belgium in 1964, and article 25 of the International Covenant on Civil and Political Rights, ratified in 1985, consolidate the rights granted by Belgian law. Since the laws of 15 April 1920 and 27 April 1921, women in Belgium can hold the offices of Municipal Councillor, Mayor, Alderman and Treasurer or Secretary of a municipality.

Although men and women have the same political rights in Belgium, the number of women holding political office at any level at all is rather low. Currently, women constitute 14 per cent of municipal councillors, 12 per cent of provincial councillors and 9 per cent of members of parliament. There are only four women members of the Government. This low level of participation by women in political life is in direct contrast to the importance of political activity itself, a form of endeavour which after all shapes the very contours of society.

This is a fundamental principle of democracy, and so equal representation of men and women in political decision-making bodies would seem to be essential.

A certain number of sociological surveys, including the opinion polls carried out by the Commission of the European Communities since 1975, show that there has been a positive change in the way women in politics are perceived.

For example, there has been systematically increasing support for the idea of equal confidence in men and women members of parliament. At present seven Europeans out of ten have as much confidence in a woman as in a man, whereas in 1975 only five out of ten held this view. It is important that this positive trend should be supported and encouraged by the public authorities, and they have in fact already taken various steps in this connection.

The Secretary of State for Social Emancipation first invited women's groups within political parties to sign the Charter on Women in Politics. This charter calls for equal participation of men and women at all levels of political life and urges that this principle should be made a political priority. The charter was promulgated on 22 March 1988 and is of symbolic importance by reason of the cross-party unanimity of those signing it.

With the same aims in mind, the Secretary of State for Social Emancipation launched a public awareness campaign with the slogan "Vote for More Balance in your Municipal Council" in the run-up to the municipal elections of 9 October 1988.

This campaign had a straightforward informational and educational nature and its aim was to heighten the awareness of the electorate, both men and women, of the low level of women's involvement in politics. It also aimed to make the electorate realize that they had the opportunity to change the situation by exercising their right to vote.

As a result of this campaign the number of women elected at the municipal level increased from 11 to 14 per cent. The number of women mayors increased by five, which means that women now account for 22 of the 589 mayors. The percentage of women aldermen increased from 8 to 10 per cent and the number of councillors at public welfare aid centres increased by 5 per cent, from 20 to 25 per cent. For the first time, aldermen were specifically requested to carry out an emancipation policy (to date there are 11 of them).

To follow up these measures designed to promote the participation of women in politics at the local level, the Secretary of State for Social Emancipation introduced during the spring of 1989 a "Ten-Point Programme for a Municipal Emancipation Policy" (leaflet and video film), aimed at encouraging the municipal authorities to support and encourage the emancipation of women at the local level. This programme is not a miracle solution tailored to the needs of every municipality, but it does offer a wide range of concrete opportunities. The emancipation of women is one of the responsibilities of the municipalities, a fact which has been accepted since the last municipal elections in Belgium.

Following the Ten-Point Programme for a Municipal Emancipation Policy, the Secretary of State for Emancipation decided to draw up cooperation agreements for a municipal emancipation policy with several pilot municipalities.

In the cooperation agreement, the pilot municipality undertakes to support and systematically encourage the emancipation of women, while the Secretary of State provides the municipality with the services of an expert on emancipation issues for a period of one year. Two phases may be distinguished in the municipal emancipation policy project: firstly the analysis stage and secondly the practical implementation stage. The political aspect constitutes the linking element between the two.

The objective of the first phase is to outline the situation of women's emancipation in the commune at a specific time, and the Ten-Point Programme for a Municipal Emancipation Policy is used as the reference base. On the basis of this overall analysis, one or more priority objectives are to be

selected as the basis for specific emancipation projects. Finally, it will be necessary to assess the emancipation projects carried out and to make any necessary corrections. New proposals are to be drawn up as required with a view to elaborating complementary projects.

Since 1990, the Secretary of State has concluded cooperation agreements with 18 municipalities. These include eight French-speaking pilot municipalities: Juprelle, Marche-en-Famenne, Modave-Vierset, Mouscron and Verviers, Ittre, Rixensart, and La Louvière; and nine Flemish-speaking pilot municipalities: Antwerp, Kortrijk, Herentals, Leuven, Scherpenheuvel-Zichem and Temse, Tielt, Roeselare and Zonhoven. The choice of the municipalities is based on their willingness and express wish to be pilot municipalities.

The objective of the Secretary of State for Social Emancipation, Ms. Smet, is to extend the number of pilot municipalities to a maximum of 20. Intensive work over several months has produced more than 80 projects in the different municipalities.

In addition to these activities, a particularly strong need was felt to introduce new legislation.

In order to promote the participation of women in decision-making, the Secretary of State was instrumental in securing the passage of a law aimed at promoting equal numbers of men and women on advisory bodies (bodies of this type are very numerous in Belgium).

Women are particularly badly represented on advisory bodies. For example, in the Supreme Council on Small Traders there are nine women out of 100 members; on the Central Council for the Economy two women out of 24; and on the Interdepartmental Commission for Trainee Civil Servants only one woman out of 10 members.

This low level of participation stands in stark contrast to the importance which such advisory bodies have acquired in the decision-making processes of the civil service. This law is designed to encourage the natural and gradual process of integration of women into advisory bodies. It stipulates that whenever one or more posts are to be filled following a short-listing procedure, each body responsible for short-listing is obliged to put forward at least one male and one female candidate for each post to be filled.

The law of 20 July 1990 is applicable to all bodies whose responsibilities include, at the national level and as their main function, the submission of official opinions to the Legislative Houses, the King, the Council of Ministers, one or more Ministers, ministerial departments or services such as the Supreme Health Board, the Supreme Board for the Handicapped, the Supreme Board for Small Traders, the Central Board for the Economy, the National Committee on Energy, the Advisory Board on Development Cooperation, and so on.

This measure ensures that a female and a male candidate are sought for each post to be filled, and the general rule may not be waived unless the explicit obligation to provide adequate grounds is fulfilled and these grounds are stated in the short list and referred to on the certificate of nomination.

The nominating authority retains the right to name either a woman or a man.

In order to allow adequate monitoring of compliance with this law, a report must be submitted to parliament each year.

The passage of this law is, without doubt, an important step forward. It is the first time that the legislative houses have given a positive opinion on legal measures of this type. One can only hope that, following the example of the Nordic countries, the foundations for new legislation have now been laid and that concrete steps will gradually be made towards the equal representation of men and women in decision-making processes.

ARTICLE 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Belgian women can represent their Government at international level and can participate in the work of international organizations on an equal footing with men. The number of women in the higher levels of government and the civil service is rather small; they tend to be found in the delegations to meetings dealing with specific women's issues, for example in the OECD, in the European Economic Community's bureau on issues regarding the employment and equality of women, in the special committees of the Council of Europe and in the United Nations Commission on the Status of Women.

In the Belgian diplomatic corps the number of women is extremely low, as is the case at all higher levels of the civil service. However, the changes in the civil service which have taken place in the last few years and the effects of the equality of opportunity plans which were discussed above (Royal Ordinance of 27 February 1990) may bring a gradual increase in the number of women in the Belgian diplomatic corps.

ARTICLE 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

The law of 28 June 1984 governing certain aspects of the status of aliens and establishing the Belgian Nationality Code has introduced fundamental reforms into Belgian nationality legislation. These reform provisions include measures which bring about full compliance with the obligations undertaken under the above-mentioned article 9.

Article 16 of the Belgian Nationality Code, which entered into force on 1 January 1985, stipulates that "marriage has no automatic effect on nationality". It follows that a Belgian woman who enters into marriage with an alien no longer loses her Belgian nationality and, by the same taken, a foreign woman who marries a Belgian no longer automatically acquires Belgian nationality. The spouse of a Belgian man or woman may apply for Belgian nationality and obtain it on the authorization of a court, provided certain other legal conditions are satisfied. The Code grants women and men the same rights with regard to acquiring, changing or keeping their nationality.

Furthermore, articles 8 and 9 of the Nationality Code confer Belgian nationality on the child of a Belgian parent (father or mother) or on the adopted child of a Belgian, without discrimination between men and women.

The courts have jurisdiction over all disputes relating to nationality, including cases of discrimination against women in this area.

ARTICLE 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 17 of the Belgian Constitution specifies that there is freedom of education and public education given at State expense is governed by law.

There is no difference between boys and girls with regard to access to education. The basic law of 20 September 1884, supplemented by the laws of 15 September 1895, 19 May 1914 and 13 November 1919, makes no distinction between the sexes. Article 1 of these laws, consolidated on 20 August 1957, specifies that "all heads of family shall be obliged to provide their children with, or ensure that they receive, an adequate primary education".

Article 13 of the law of 29 May 1959, the so-called "School Covenant Law", specifies that infant, primary and secondary education are free in State schools and in subsidized schools.

School attendance is compulsory for children between 6 and 18. A point to be noted, however, is that since the law of 23 June 1983, which raised the school leaving age to 18, pupils at vocational schools may, from the the age of 15 onward, combine half-time schooling with half-time in-service training in an enterprise.

Compliance with compulsory school attendance is supervised by the competent municipal administration bodies.

The foregoing provisions are supplemented by a large number of measures which govern parents' freedom of choice as regards the type of school for their children in accordance with their ideological and religious beliefs. The majority of schools are coeducational and, therefore, accept both girls and boys.

Belgium therefore complies with all the provisions stipulated in article 13 of the International Covenant on Economic, Social and Cultural Rights.

However, although girls are as well represented as boys at all levels of education (there are as many girls as boys embarking on university studies), boys and girls continue to select their traditional curriculum. And there is this difference between them: the subjects chosen by boys tend to offer better employment prospects than those chosen by girls. In general secondary education, for example, girls are considerably underrepresented in maths and scientific subjects; and in technical and vocational secondary education, the traditional dichotomies are even more marked.

The departments preparing pupils for for office careers, the service sector and the health-care sector are virtually a female preserve (for example, hairdressing, beauty, secretarial skills ...). The more technical departments preparing pupils for professions in industry such as mechanics, electricity, metalwork, carpentry and building are virtually exclusively attended by boys.

In higher education, too, the stereotyped choices are still predominant. Girls are concentrated in the humanities, pharmacy, teacher training and psychology, whereas boys tend to be better spread over the whole range of available subjects. However, there have been some developments: the number of girls has been slowly but surely increasing in areas where they were sometimes virtually absent - for example in engineering.

In order to encourage girls to make study and career choices which are more diversified and better geared to the employment market, the Secretary of State for Social Emancipation has launched three awareness campaigns together with the Ministers for Education:

- For the 1986-1987 school year, for pupils in the primary sixth: "Prépare ton avenir dès à présent" ("Start preparing your future now") (a poster on the back of which was a standard text on equality of opportunity for boys and girls in career and study choices, a letter to parents and a TV ad);

- For the 1987-1988 school year, for pupils in secondary first and second: "Un métier qui n'est pas pour les filles ca reste à inventer" ("There's no such thing as a job not for girls") (teaching kit, posters, letter to parents and video film);

- During the 1988-1989 school year, a competition entitled "Travailler ensemble. Gagner ensemble!" ("Working together. Winning together!") was organized for pupils in primary sixth and the first year of secondary school.

All the classes taking part had to do a small written project on the subject of study and career choices for boys and girls. For this purpose, the existing awareness material was again distributed to all schools. A total of 4,700 pupils representing 234 classes took part in the competition. Changing behaviour as regards the choice of studies is a complex long-term process. This is why it is necessary to continue sharpening the awareness of all those involved in the issue of equality of opportunities in education.

With this in mind, on 3 May 1990 a new awareness campaign was launched with the slogan: "Un metier c'est comme un garcon, il ne faut pas prendre le premier venu" ("Jobs are like boys, you shouldn't take the first one that comes along"). This campaign was aimed at girls from the age of 15 to 18. The slogan refers to one of the main interests of young girls of that age and is, in this way, designed to attract their attention.

The second part of the slogan encapsulates the message of the leaflet: "Bien choisir ses études c'est partir gagnant dans la vie" ("Good study choices are the way to get ahead in life").

In addition to the poster, a leaflet was prepared in the context of the campaign, showing a dozen or so role models, i.e. young women with modern or non-traditional professions. Each of the women talks about the key elements in choosing a course of study and briefly describes her working life. Advice and information and, in particular, the details of centres specializing in career guidance make up the rest of the content of the leaflet.

In addition to the traditional channels (schools, physchological and medical welfare centres, parents' associations, teachers' and women's associations), the leaflets were also circulated by means of a new distribution strategy, i.e. youth networks and campaigns of handing out leaflets to the public for three weeks in several large towns. The reactions were numerous and enthusiastic. In six weeks, 120,500 leaflets and 16,300 posters were distributed, 75 per cent of these at the request of schools, psychological and medical welfare centres, youth and women's associations, and so on.

Apart from the task of sharpening awareness, which remains essential, a new campaign has also been introduced with a focus on the availability of training: since March 1990 a project entitled "Diversifying the choice of studies for girls in vocational and technical secondary education" has been under way in the Flemish and French-speaking communities. This is a nationwide project involving all the teaching networks, and it has scientific backup. Nine schools are involved in it, and the approach is to focus on an in-depth analysis of the subject-matter.

In the initial phase, an analysis is made of the opportunities offered at school for - and the obstacles presented to - diversification of the range of studies available to girls. On the basis of this analysis, the participating schools will determine what structural changes must be introduced in order to remove the obstacles that have been identified.

The draft agreement stipulates that girls' schools must introduce a wider range of training opportunities. For boys' schools and coeducational schools, this means making changes which will do away with the traditional image of a structure exclusively geared to boys' needs and end the rigid dichotomy between so-called hard and soft subject options which in practice has divided the pupils according to sex.

In all cases the structural changes were to be introduced by 1 September 1991 at the latest.

The ultimate aim of the project is to create, by means of the measures taken in certain schools, models for other schools and in this way to give a new impetus to the efforts being undertaken to put an end to inequality of opportunity. The research results are to be distributed as a scientific report but also as an action guide for schools.

A new information tool has been issued to any schools requesting it: a series of 10 videos on modern careers. Each video lasts four minutes and shows men and women being interviewed on film at their place of work. The aim is to provide information, but also to arouse curiosity about professional life and the actual content of these careers, thereby paving the way for a greater diversification of choice.

As regards further training after school, it should be noted that social advancement courses (general or vocational training courses) are attended by more women than men: 59 per cent women as opposed to 41 per cent men in 1988-1989.

Families have the opportunity to obtain assistance, advice and help in their educational role from numerous public or private organizations which are recognized and subsidized by the State. These include the psychological and medical welfare centres, which are in direct contact with the schools attended by the children, family association movements, family planning centres, parents' associations, marriage guidance centres and so on.

ARTICLE 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

This whole area has changed since the implementation of article 119 of the Treaty of Rome and of directives from the European Economic Community which are binding in Belgium.

The State aims to pursue a policy of full employment. It is responsible for vocational training of workers, organizes the employment market and governs working conditions or arranges for them to be governed by means of joint committees. It also takes a whole series of measures aimed at promoting employment, particularly in times of economic crisis.

All the activities carried out by the public authorities are for the benefit of the whole active population without any distinction between the sexes.

The public authorities are not the only actors involved. In addition, in the context of the inter-professional consultations for the 1991-1992 period, the Secretary of State for Social Emancipation together with the Minister for Employment and Labour, directed several recommendations to the representatives of workers and employers aimed at promoting the employment of women. In Belgium, the public authorities and workers' and employers' representatives have joint responsibility in areas of employment.

The recommendations aimed at workers' and employers' representatives were based on the awareness that specific attention should be given to the employment of women, particularly in the light of:

- The increased proportion of women in the active population (the number of working women increased by 200,000 in 20 years, and the proportion of working women is currently 41.2 per cent);

- Sociological trends reflected in the fact that women are now tending to continue their professional life after marriage and childbirth (in the 25-29 age group the proportion of working women increased from 49.7 per cent in 1970 to 77.2 per cent in 1987. Furthermore, the proportion of working women is on the increase in all age brackets);

- Technological developments which mean that industry has a greater and greater need for qualified personnel;

- Demographic changes which mean that in the next few years women will represent a large proportion of the potentially available workforce (owing to the falling birth rate, the number of young people entering the job market for the first time is decreasing).

The recommendations made to the employers' and workers' representatives are mainly aimed at improving coordination between the training of women and their position on the employment market, as well as enhancing the quality of women's employment.

Here we should also mention an important new legislative measure in an always rather sensitive area, namely the whole complex of problems associated with motherhood. Up until 9 January 1990, maternity leave granted to a worker was treated as equivalent to inability to work as a result of illness or accident. Accordingly, the employer was obliged to pay a guaranteed salary for all or part of the first month of absence depending on whether the staff member in question was an employee or a labourer, and it was only afterwards that the sickness and invalidity insurance stepped in to pay compensation for inability to work.

The disadvantage of this system was that there was virtually no chance of a pregnant woman being employed.

Since 10 January 1990, any pregnant worker is entitled to an allowance for the whole duration of her maternity leave, paid in full by the sickness and invalidity insurance. This is a maternity allowance.

Programme Law of 22 December 1989 (Moniteur Belge, 30 December 1989) and Royal Ordinance of 10 January 1990 (Moniteur Belge, 17 January 1990)

Any pregnant woman covered by the social security scheme for employees is legally entitled to maternity leave. This has recently been extended from 14 to 15 weeks, to be divided between the period before and the period after the birth.

- The extra week must be taken before the birth. Apart from that, the prenatal leave is granted to the worker if she requests it; she may however take only a part of it and extended the period of postnatal leave accordingly.

- Prenatal leave begins at the earliest six weeks and at the latest one week before the expected date of the birth. This date is established on the basis of a medical certificate submitted by the pregnant woman.

- Prenatal leave ends on the day of the birth. If the birth takes place after the date anticipated by the doctor, prenatal leave is extended until the actual date of birth and may, therefore, be longer than six weeks.

- Postnatal leave is compulsory. The worker may not refuse to take it.

- Postnatal leave lasts for:

  1. The period of eight weeks following the birth;

  2. This period may be extended by the amount of prenatal leave (up to a maximum of six weeks) not taken by the woman if she opted to continue working during the period leading up to the birth.

- The extra period runs immediately from the first compulsory period of eight weeks, or from the moment when the infant is taken home, if the return home is not possible during the eight weeks following the birth.

In addition to the leave, the worker also receives a maternity allowance. In order to qualify for a maternity allowance, she must satisfy the conditions laid down for entitlement to the payment of invalidity allowances in the event of inability to work for reasons of health; this means she must:

1. Normally have completed a qualifying period of membership of an insurance scheme for six months, during which she must have completed 120 days of work or equivalent days (for example days of annual leave or sick leave), each day counting for at least three hours of service or 400 hours of work in all, in the case of part-time, occasional or seasonal workers;

2. Have paid her premiums in full during the qualifying period;

3. Satisfy the legal conditions laid down for eligibility to receive payments from the sickness and invalidity insurance scheme (allowances section).

Self-employed workers and women working for their husbands are also entitled to these benefits, so that one of the existing forms of discrimination between employed and self-employed or independent workers, has been at least partially ended.

In accordance with the Royal Ordinance of 24 January 1990 (Moniteur Belge, 20 February 1990), self-employed claimants may be entitled to a maternity allowance and to a period of maternity leave. Self-employed claimants must have completed a qualifying period of six months and submit to the body insuring them evidence of premium payments proving their entitlement. More specifically, any claimant who had already completed a qualifying period prior to 1 January 1990 was able to claim the maternity allowance from 1 January 1990. The period of leave is a continuous period of three weeks starting from the day after the birth, during which time the claimant is deemed to be unfit for work.

In addition, since 1 January, spouses or husbands or wives working for their spouses, may take out, on a voluntary basis, sickness and invalidity insurance (allowances section) with the insurance scheme of which their spouse is a member. This voluntary (and therefore optional) membership entitles spouses working for their husbands or wives to obtain two types of benefit:

- In the event of inability to work, entitlement to a disability allowance (from the fourth month of disability);

- In the event of childbirth: entitlement to three weeks' leave and payment of an allowance.

In addition to these legal provisions protecting motherhood, the Minister for Employment and Labour has drawn up a series of proposals aimed at making it easier to combine work with family life. Several of these have already been implemented and others are still being discussed.

For example, since 1 January 1990, leave for compelling special reasons - allowing workers to be absent from the workplace with pay owing to the sickness of a child or a spouse or an elderly parent - has been extended to 10 days from the four days which it had previously been.

Paternity leave has been extended from two to three days. In cases where the mother is not present (owing to death or hospitalization), her maternity leave may be converted into paternity leave (Programme Law of 29 December 1990).

Career interruption allowances have been increased differentially depending on whether the career interruption is for the second or third child (Royal Ordinance of 12 January 1991).

To facilitate readaptation to work and retraining after a complete career interruption, a supplementary premium of BF 5,000 is paid to workers who follow a training course during the month preceding their return to work (Royal Ordinance of 13 August 1990).

In addition, since 1 February 1990, people who wish to return to the work market after having been absent for several years (these are nearly all women) are treated in the same way as unemployed persons who satisfy the conditions for being taken on to replace a person interrupting his or her career (Royal Ordinance of 2 January 1991).

A draft law on the protection of workers interrupting their careers on a part-time basis is under preparation. An opinion has been requested from employers' and workers' representatives at the National Council of Labour.

All these measures, which benefit mostly women, apply equally to men workers: this in fact helps to promote a better sharing of domestic duties between the two parents.

ARTICLE 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health-care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the postnatal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

There is no discrimination between men and women as regards access to health care. In addition, special provisions have been introduced as regards the protection of motherhood and inability to work on the part of the spouse of a self-employed person, as referred to in the discussion of article 11 of the Treaty.

ARTICLE 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, and in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

There is no discrimination in these fields.

ARTICLE 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health-care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

There is no discrimination between men and women in rural areas, where women and men enjoy the same rights, services and welfare provisions as all other Belgian citizens.

As mentioned in the comments on article 11, there is a measure allowing self-employed women - who account for 25.9 per cent of women in agricultural areas - to receive a maternity allowance and a period of maternity leave.

Husbands or wives working for their spouses (79.8 per cent women, of whom many are in agricultural areas) may voluntarily become members of the sickness and invalidity insurance scheme of the spouse, with the same insurance company. This membership allows them to receive compensation should they be unable to work and an allowance and three weeks' leave for maternity.

Women in rural areas (wives of farmers) attach considerable importance to this measure since it is a step towards creating formal social arrangements for husbands or wives working for their spouses.

ARTICLE 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

All the rights referred to in article 15 are accorded to both men and women by virtue of article 6 of the Belgian Constitution (referred to above).

Since the reform of marriage legislation, in 1976, there are no contracts restricting the legal capacity of women.

ARTICLE 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

As mentioned previously, there is no discrimination between men and women as regards the right to contract marriage or to choose a spouse, nor as regards the rights and duties of the spouses during the marriage and in the event of its dissolution.

Since 1965, Belgian law has replaced paternal authority with parental authority, thus giving the same rights and duties to both the father and the mother.

There remains an area in which the equality of the two parents has not been achieved. A married mother may not pass on her name to the child, which must take the family name of the father. The same applies to children born out of wedlock when they have been recognized by the father.

Various proposals for legislation, tabled by several members of the Belgian Parliament on the basis of resolution (78) 37 of the Committee of Ministers of the Council of Europe and article 16 (g) of the Convention, are currently being studied.

As regards inheritance, the law of 14 July 1976 established the equality of the spouses as an absolute principle. Persons married before that date had the opportunity to maintain the previous legal system if they so requested, a provision which formed the basis of the reservation entered by Belgium when ratifying the Treaty. However, it should be noted that no such requests have been made.

In Belgium, abortion constitutes a criminal offence under articles 348 to 353 of the Criminal Code of 1867, those punishable being the woman concerned, her accomplice and the author of the deed. If the latter is a physician or practises a paramedical profession, the penalties are augmented. The application of these legal provisions has given rise in practice to numerous problems for a great many years.

A number of proposals to amend the legal provisions on abortion have been introduced by Members of Parliament, but they have either been rejected or have not been discussed.

The most recent proposals on the subject have been those tabled by Lallemand-Michielsens in the Senate on 6 March 1986 and by L. Detiège in the House of Representatives on 19 June 1986.

These proposals were passed by the Members on 29 March 1990 and introduce a partial decriminalization of abortion in cases where "distress" of the future mother can be demonstrated. The representatives of the nation have agreed to re-examine the whole issue in the years to come.